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Central Administrative Tribunal

Principal Bench

O.A. No. 816 of 2000

with

O.A. No. 876 of 2000

New Delhi, dated this the 2<sup>nd</sup> MAY, 2002

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE MR. KULDIP SINGH, MEMBER (J)

O.A. No. 816 of 2000.

1. Shri Sukh Darshan Lal,  
S/O Shri B.L.Sharma,  
R/O 232, Sharda Niketan, Delhi-34.
  2. Shri P.C.Kala,  
S/O Late Shri K.N.Kala,  
R/O C-2/245, Yamuna Vihar, Delhi-35.
  3. Shri Om Prakash Sharma,  
S/O Pt.Shri Narayan Sharma,  
R/O C-365, Saraswati Vihar, Delhi-34.
  4. Shri S.D. Varshney  
S/O Shri Kishan Lal,  
R/O B-90, Puru Apartment, sector-13,  
Rohini, Delhi-85. ....APPLICANT
- (By advocate: Shri Gyan Prakash)

VERSUS

1. Govt. of National Capital Territory  
of Delhi through Chief Secretary,  
Govt. of N.C.T. of Delhi.  
Sham Nath Marg, Delhi.
  2. Director of Education,  
Govt. of N.C.T. of Delhi.  
Sham Nath Marg, Delhi.
  3. Deputy Controller of Accounts,  
Directorate of Education,  
Govt. of N.C.T. of Delhi.  
Old Secretariate, Delhi-110034.
  4. Secretary,  
Ministry of Human Resources,  
Deptt. of Education,  
Shastri Bhawan,  
New Delhi-110001. ...Respondents.
- (By Advocate: Shri Ajesh Luthra)

O.A. No. 876 of 2000

1. Shri P.L.Tandon,  
s/o Lated Sh. M.R.Tondon,  
aged about 67 years and resident  
of A-110, Saraswati Vihar,  
Delhi - 110034.
  2. Shri Inderjit Singh,  
s/o Lated Sh.Gurbachan Singh  
aged about 64 years and resident
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(2)

of D-837, Saraswati Vihar,  
Delhi - 110034.

3. Shri Harbans Lal Sharma  
s/o Lated Sh Gurandita Ram Parasar  
aged about 63 years and resident  
of E-1067, Saraswati Vihar,  
Delhi - 110034. ...Applicants.  
(By Advocate: Shri Gyan Prakash)

Vs.

1. Govt. of National Capital Territory  
of Delhi through Chief Secretary,  
Govt. of N.C.T. of Delhi.  
Sham Nath Marg, Delhi.
2. Director of Education,  
Govt. of N.C.T. of Delhi.  
Sham Nath Marg, Delhi.
3. Deputy Controller of Accounts,  
Directorate of Education,  
Govt. of N.C.T. of Delhi.  
Old Secretariate, Delhi-110034.
4. Secretary,  
Ministry of Human Resources,  
Deptt. of Education,  
Shastri Bhawan,  
New Delhi-110001. ...Respondents.  
(By Advocate: Shri Ajesh Luthra)

ORDER

S.R. ADIGE, VC (A)

As both these OAs involve common questions of law and fact, they are being disposed of by this common order.

2. Applicants seek the grant of selection scale of (Rs.2000-3500) from due dates, with arrears and consequential benefits including revision of retrial benefits.

3. Pleadings reveal that applicants in OA No. 876/2000 were employed as Language Teachers in Dte. of Education, Delhi Administration in 1960-61

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(3)

in the grade of TGTs. All of them satisfied the conditions for appointment as TGTs and were subsequently known as TGTs (Language/Hindi). The first 3 applicants got selection grade of TGT (Rs.740-880) w.e.f. 1.11.73 and the fourth applicant w.e.f. 1.1.74. They were further promoted as TGT (Rs.550-900) on adhoc basis in 1983, and were regularised as PGT w.e.f. 16.1.84.

4. Pursuant to the 4th Pay Commission recommendations, respondents by circular dated 12.8.87 (Annexure A 3) revised the pay scales of School Teachers w.e.f. 1.1.86 as follows:

a) Primary School Teachers Rs.1200-2040  
Senior Scale (After 12 yrs.) Rs.1400-2600

b) TGTs'/Head Masters of  
Primary Schools Rs.1400-2600  
Senior Scale( After 12 yrs) Rs.1640-2900

Selection Scale (After 12 yrs  
in Senior School and attainment  
qualifications laid down for  
PGTs Rs.2000-2500

c) PGTs/ Head Masters of  
Middle Schools Rs.1640-2900  
Senior Scale(After 12 yrs) Rs.2000-3500

Selection Scale(after 12 yrs  
in Senior Scale) Rs.2200-4000

d) Vice Principal/

Head Masters of Secondary

Schools Rs.2000-3500

Senior Scale(After 12 yrs) Rs.2200-4000

5. Applicants claim that all of them had completed 12 years in Sr.Scale or its equivalent and were promoted to PGT on or as before 1.1.86, but respondents have denied selection grade of PGT to them.

6. This very issue had come up in OA No. 1965/99 which was disposed of by order dated 9.10.2001 in which one of us (S.R.Adige) was a party. In that order dated 9.10.2001 it was made clear that a plain reading of respondents' circular dated 12.8.97 showed that senior scale Rs.2000-3500 to a PGT was admissible after completion of 12 years of service as a PGT, and similarly selection grade of Rs.2200-4000 to a PGT was admissible after 12 years in Sr. Scale as a PGT.

7. In the case of applicants it is admitted by respondents that in both OAs had completed 12 years of service in Selection Grade (of TGT) on or before 1.1.86, but all of them had been regularised as PGTs prior to 1.1.86 much before they became illegible for grant of selection scale of TGT (Rs.2000-3500) w.e.f. 1.1.86 and hence it was not possible to grant them selection scale of Rs.2000-3500 as Language Teacher/TGT.

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8. Thus in effect what applicants are seeking is that although they have been regularised as PGTs prior to 1.1.86 should be paid the salary of TGT (Selection grade) of Rs.2000-3500 w.e.f. 1.1.86.

9. During the course of hearing, applicants' counsel relied upon the Tribunal's order dated 25.5.2001 in No. 1295/2000 Shri Jodha Ram Vs. Director of Education & Ors in which a direction was issued to consider that applicant's case for grant of pay in the selection scale of PGT of Rs.2200-4000 w.e.f. 1.3.87 with all consequential benefits by means of a speaking order, because he has held his lien on the post of PGT till his retirement although in the meanwhile he had been promoted as Vice Principal on adhoc basis.

10. During the course of hearing we were initially of the view that there was a complaint of decisions between the Tribunal's order dated 9.10.2001 in OA No. 1965/99 and the order dated 25.5.2001 in OA No. 1295/2001, and were to refer the matter to a larger bench to resolve the complaint. However, on a close perusal of the aforesaid pleadings is clear that the Tribunal's order dated 25.5.2001 is OA No. 1295/2000 is not applicable in the present case because it is distinguishable on facts. In OA No. 1295/2000 that applicant continued retain his lien on the posts of PGT although he had been promoted as Vice Principal in the meantime. Accordingly respondents were

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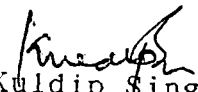
(6)

directed to consider granting him senior scale of PGT on the post which he continued to retain his lien. In the present case, applicants had been regularised as PGTs well before 1.1.86 and hence did not retain their lien on the post of TGT as on 1.1.86 in terms of respondents' circular dated 12.8.87.

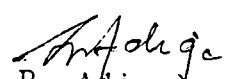
11. We may summarise. As per respondents' circular dated 12.8.87 which is effective from 1.1.86 the scale of Rs.2000-3500 which applicants are claiming is the selection scale for TGTs and is the senior scale for PGTs. Applicants stood regularised as PGTs prior to 1.1.86 and did not hold any lien on the post of TGTs to claim the benefits of the selection scale of TGTs of Rs.2000-3500 as on 1.1.86. Similarly to claim the scale of Rs.2000-3500 as senior scale for PGTs they had to have at least 12 years of service as PGTs, but there is no averment on the grant of applicants that despite having completed 12 years service in PGT (emphases supplied) respondents have denied them the scale of Rs.2000-3500 in term of their circular dated 12.8.87.

12. In the result, the OA warrants no interference. It is dismissed. No costs.

13. Let a copy of this order be kept on each case OA's case record.

  
(Kuldip Singh)  
Member (J)

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(S.R. Adige)  
Vice Chairman (A)